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use with that vessel, in violation of § 665.21(g).

[70 FR 29652, May 24, 2005, as amended at 70 FR 69284, Nov. 15, 2005; 70 FR 75080, Dec. 19, 2005; 72 FR 8291, Feb. 26, 2007; 73 FR 70602, Nov. 21, 2008; 73 FR 75621, Dec. 12, 2008]

EFFECTIVE DATE NOTE: At 73 FR 70602, Nov. 21, 2008, § 665.22(zz) was added. This amendment contains information collection and recordkeeping requirements and will become effective Oct. 5, 2009.

### § 665.23 Notifications.

(a) The permit holder, or designated agent, for any vessel registered for use under a Hawaii longline limited access permit, or for any vessel greater than 40 ft (12.2 m) in length overall that is registered for use under an American Samoa longline limited access permit, shall provide a notice to the Regional Administrator at least 72 hours (not including weekends and Federal holidays) before the vessel leaves port on a fishing trip, any part of which occurs in the EEZ around the Hawaiian Archipelago or American Samoa. The vessel operator will be presumed to be an agent designated by the permit holder unless the Regional Administrator is otherwise notified by the permit holder. The permit holder or designated agent for a vessel registered for use under Hawaii longline limited access permits must also provide notification of the trip type (either deep-setting or shallow-setting).

(b) The permit holder, or designated agent, for any vessel registered for use under a Western Pacific squid jig fishing permit that is greater than 50 ft (15.4 m) in length overall, shall provide a notice to the Regional Administrator at least 72 hours (not including weekends and Federal holidays) before the vessel leaves port on a fishing trip, any part of which occurs in western Pacific EEZ waters. The vessel operator will be presumed to be an agent designated by the permit holder unless the Regional Administrator is otherwise notified by the permit holder.

(c) For purposes of this section, the notice must be provided to the office or telephone number designated by the Regional Administrator. The notice must provide the official number of the vessel, the name of the vessel, the intended departure date, time, and loca-

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tion, the name of the operator of the vessel, and the name and telephone number of the permit holder or designated agent to be available between 8 a.m. and 5 p.m. (local time) on weekdays for NMFS to contact to arrange observer placement.

(d) The operator of any vessel subject to the requirements of this subpart who does not have on board a VMS unit while transiting the protected species zone as defined in § 665.12, must notify the NMFS Special-Agent-In-Charge immediately upon entering and immediately upon departing the protected species zone. The notification must include the name of the vessel, name of the operator, date and time (GMT) of access or exit from the protected species zone, and location by latitude and longitude to the nearest minute.

(e) The permit holder for any American Samoa longline limited access permit, or an agent designated by the permit holder, must notify the Regional Administrator in writing within 30 days of any change to the permit holder's contact information or any change to the vessel documentation associated with a permit registered to an American Samoa longline limited access permit. Complete changes in the ownership of the vessel registered to an American Samoa longline limited access permit must also be reported to PIRO in writing within 30 days of the change. Failure to report such changes may result in a delay in processing an application, permit holders failing to receive important notifications, or sanctions pursuant to the Magnuson-Stevens Act at 16 U.S.C. § 1858(g) or 15 CFR part 904, subpart D.

[70 FR 29654, May 24, 2005, as amended at 73 FR 70602, Nov. 21, 2008]

### § 665.24 Gear identification.

(a) *Identification.* The operator of each permitted vessel in the fishery management area must ensure that the official number of the vessel be affixed to every longline buoy and float, including each buoy and float that is attached to a radar reflector, radio antenna, or flag marker, whether attached to a deployed longline or possessed on board the vessel. Markings must be legible and permanent, and

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must be of a color that contrasts with the background material.

(b) *Enforcement action.* Longline gear not marked in compliance with paragraph (a) of this section and found deployed in the EEZ will be considered unclaimed or abandoned property, and may be disposed of in any manner considered appropriate by NMFS or an authorized officer.

### § 665.26 Longline fishing prohibited area management.

(a) *Prohibited areas.* Longline fishing shall be prohibited in the longline fishing prohibited areas as defined in paragraphs (b), (c), and (d) of this section.

(b) *Longline protected species zone.* The protected species zone is 50 nm from the center geographical positions of Nihoa Island, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan Island, Lisianski Island, Pearl and Hermes Reef, Midway Islands, and Kure Island, as defined in § 665.12.

(c) *Main Hawaiian Islands.* (1) From February 1 through September 30 each year, the longline fishing prohibited area around the main Hawaiian Islands is the portion of the EEZ seaward of Hawaii bounded by straight lines connecting the following coordinates in the order listed:

Point	N. lat.	DW. long.
A .....	18°05'	155°40'
B .....	18°20'	156°25'
C .....	20°00'	157°30'
D .....	20°40'	161°40'
E .....	21°40'	161°55'
F .....	23°00'	161°30'
G .....	23°05'	159°30'
H .....	22°55'	157°30'
I .....	21°30'	155°30'
J .....	19°50'	153°50'
K .....	19°00'	154°05'
A .....	18°05'	155°40'

(2) From October 1 through the following January 31 each year, the longline fishing prohibited area around the main Hawaiian Islands is the portion of the EEZ seaward of Hawaii bounded by straight lines connecting the following coordinates in the order listed:

Point	N. lat.	W. long.
A .....	18°05'	155°40'
L .....	18°25'	155°40'
M .....	19°00'	154°45'

Point	N. lat.	W. long.
N .....	19°15'	154°25'
O .....	19°40'	154°20'
P .....	20°20'	154°55'
Q .....	20°35'	155°30'
R .....	21°00'	155°35'
S .....	22°30'	157°35'
T .....	22°40'	159°35'
U .....	22°25'	160°20'
V .....	21°55'	160°55'
W .....	21°40'	161°00'
E .....	21°40'	161°55'
D .....	20°40'	161°40'
C .....	20°00'	157°30'
B .....	18°20'	156°25'
A .....	18°05'	155°40'

(d) *Guam.* The longline fishing prohibited area around Guam is the waters seaward of Guam bounded by straight lines connecting the following coordinates in the order listed:

Point	N. lat.	E. long.
A .....	14°25'	144°00'
B .....	14°00'	143°38'
C .....	13°41'	143°33'33"
D .....	13°00'	143°25'30"
E .....	12°20'	143°37'
F .....	11°40'	144°09'
G .....	12°00'	145°00'
H .....	13°00'	145°42'
I .....	13°27'	145°51'

[61 FR 34572, July 2, 1996, as amended at 71 FR 10869, Mar. 3, 2006]

### § 665.27 Exemptions for longline fishing prohibited areas; procedures.

(a) An exemption permitting a person to use longline gear to fish in a portion(s) of the Hawaii longline fishing prohibited area will be issued to a person who can document that he or she:

(1) Currently owns a Hawaii longline limited access permit issued under this part and registered for use with his or her vessel.

(2) Before 1970, was the owner or operator of a vessel when that vessel landed Pacific pelagic management unit species taken on longline gear in an area that is now within the Hawaii longline fishing prohibited area.

(3) Was the owner or operator of a vessel that landed Pacific pelagic management unit species taken on longline gear in an area that is now within the Hawaii longline fishing prohibited area, in at least 5 calendar years after 1969, which need not be consecutive.

(4) In any one of the 5 calendar years, was the owner or operator of a vessel that harvested at least 80 percent of its